

REMARKS

Claims 23-34 and 47-54 are now pending in the application. Claims 47-53 are allowed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 23, 24, 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mufford (U.S. Pat. No.6,186,254). This rejection is respectfully traversed.

With respect to claim 23, as best understood by Applicants, Mufford fails to disclose the limitation of a controller that controls **a hydrogen supply and an air supply to power a heater** to warm a fuel cell stack and a water supply **while the vehicle is not running**.

Instead, as best understood by Applicants, Mufford teaches controlling the application of the fuel cell stack power to a resistor to regulate temperature of a fuel cell stack **while the vehicle is running**. For example, Mufford states that:

[f]uel cell power may be advantageously used to power the resistor **soon after start-up** to bring the fuel cells tack 30 within the preferred operating temperature range and **during operation** to improve fuel cell performance by maintaining the fuel cell stack 30 within the preferred temperature range especially when the motor vehicle is operated in cool ambient temperatures.

(See column 4, lines 38-46) (emphasis added). In other words, Mufford applies fuel cell stack power to the resistor to warm the fuel cell stack **while the vehicle is running**.

As stated by the Examiner, Mufford states that "[t]he resistor 70 may be connected to receive electricity from **shore power** from, for example, **a shore power circuit 90**, thereby allowing the resistor to function as an block heater that prevents the

fuel cell stack from freezing and facilitates start-up in cold weather.” (See column 4, lines 33-38 and page 3 of the Office Action dated 8/1/2008) (emphasis added). In other words, Mufford controls application of **shore power** to the resistor 70.

Applicants note, however, that claim 23 includes the limitation of a controller that controls **a hydrogen supply and an air supply to power a heater** to warm a fuel cell stack and a water supply **while the vehicle is not running**. For example only, as shown in an exemplary embodiment of FIG. 3 of the present application, the controller controls the hydrogen supply and the air supply to power the heater (e.g., steps 238 and 220) while the vehicle is not running (e.g., step 204). As best understood by Applicants, Mufford fails to disclose such a controller.

Therefore, Applicants respectfully assert that Mufford fails to show, teach, or suggest a controller that controls **a hydrogen supply and an air supply to power a heater** to warm a fuel cell stack and a water supply **while the vehicle is not running** as claim 23 explicitly recites.

Applicants note that under 35 U.S.C. § 102(b) all of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988).

Accordingly, Applicants respectfully assert that claim 23 is allowable for at least the above reasons. Claims 24-34 ultimately depend from claim 23 and, therefore, are allowable for at least similar reasons.

ALLOWABLE SUBJECT MATTER


The Examiner states that claims 27, 28, 30-34 would be allowable if rewritten in independent form. Claims 47-53 are allowed. Applicants note that claim 54 should also be allowable as it ultimately depends from claim 47. Applicants thank the Examiner for the allowable and the allowed subject matter. Applicants respectfully assert, however, that claim 23 is in condition for allowance. Therefore, claims 27, 28, 30-34, as they ultimately depend from claim 23, should also be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 24, 2008

By: 
Michael D. Wiggins
Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDW/NSD/cn